

FILED UNDER SEAL

20-mj-366 HB

STATE OF MINNESOTA

ss.

COUNTY OF RAMSEY

**AFFIDAVIT OF
DOMINIC S. BATES**

**AFFIDAVIT IN SUPPORT AN APPLICATION
FOR A COMPLAINT AND ARREST WARRANT**

I, Special Agent Dominic S. Bates, being duly sworn, state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since December 2018. I am currently assigned to the St. Paul Field Division, where I am involved in various aspects of ATF enforcement programs, including investigations of violent criminals, criminal organizations, illegal use and trafficking of firearms, illegal use and storage of explosives, and acts of arson and bombings. Prior to joining the ATF, I went to a State of Illinois certified Police Academy and served as a Police Officer for the Village of Matteson, IL, for over three years in the Patrol Division.

2. In my capacity as a Special Agent with the ATF, my responsibilities include, but are not limited to, investigating firearms violations under Title 18 of the United States Code. During my time with the ATF, I have investigated multiple cases falling within the ATF's Arson and Explosives jurisdiction. I graduated from the 26-week combined Criminal Investigator Training Program at the Federal Law Enforcement Training Center and the Special Agent Basic Training at the ATF National Academy. I have received significant amounts of training on the subject-

matter within the ATF's jurisdiction, including courses in criminal investigations, federal firearms violations, federal arson laws, and federal explosives laws.

3. The facts in this affidavit are based on my personal observations, my training and experience, evidence gathered pursuant to search warrants, and information obtained from other agents and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is being submitted in support of the criminal complaint for JOSE A. FELAN, JR. Based on my training and experience and the facts set forth in this Affidavit, I respectfully submit that there is probable cause to believe that FELAN has committed arson in violation of 18 U.S.C § 844(i).

PROBABLE CAUSE

5. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and began expanding throughout the Twin Cities metro area. In the days that followed, in addition to peaceful protests, the Cities of Minneapolis and St. Paul, and some surrounding communities, endured violence and destruction. This violence included numerous arsons in the cities of Minneapolis and St. Paul.

6. On May 28, 2020, an individual, later identified as FELAN, started a fire at the Goodwill located at 1239 University Avenue West, St. Paul, Minnesota ("Goodwill"). The fire was started in the backroom of the business and was slowed by the business's fire suppression system (sprinklers). The St. Paul Fire Department arrived and extinguished the fire. The Goodwill also suffered damage from rioters, including broken windows and looting.

7. On May 28, 2020, surveillance cameras inside the Goodwill retail store at 1239 University Avenue West captured footage of FELAN entering the Goodwill and intentionally starting a fire. Specifically, cameras at the front of the store show FELAN entering the Goodwill at approximately 5:56 p.m. FELAN can be seen wearing a gray hat and black face mask. The hat bears an emblem of a wolf surrounded by the words, "Wolves don't lose sleep over the opinions of the sheep." He is also carried a messenger-style bag, containing at least three containers.

8. Footage from approximately 5:56 p.m. through 5:58 p.m. shows FELAN walking across the store's sales floor towards processing doors at the back of the sales floor. While on the sales floor, FELAN can be seen reaching into the messenger bag on his shoulder and grabbing one of the containers of fluid.

9. FELAN proceeded through the processing doors to the backroom. As evident in the pictures below, the backroom included pallets of unfolded cardboard boxes. FELAN approached the pile of cardboard and poured liquid onto them from the bottle that he took out of his messenger bag. He left the bottle on the cardboard boxes.



Figure 1 (above): surveillance footage of FELAN pouring liquid onto cardboard boxes.

Figure 2 (right): Close-up view of Figure 1.



10. At approximately 5:58 p.m., FELAN ignited the fluid on boxes with what appears to be a lighter that he pulled out of a pants pocket.



Figure 3 (above): surveillance footage of FELAN lighting the soaked cardboard on fire.

Figure 4 (right): Close-up view of FELAN in Figure 3.



11. Surveillance cameras observed FELAN walk away from the fire and exit the Goodwill store through the donation bay doors. As FELAN walks away, it is clear that his messenger bag now contains two bottles that are similar in appearance to the bottle he used in Goodwill.

12. On June 2, 2020, ATF Certified Fire Investigators (CFI) examined the fire scene at the Goodwill and discovered a melted bottle of “Power Service Diesel Fuel Supplement” on the floor of the backroom where the fire was set.

13. Law enforcement additionally obtained civilian video footage from the area and saw that FELAN entered and exited the Napa Auto Parts at 1271 University Ave W, St. Paul, Minnesota, that is just west of the Goodwill parking lot. That Napa Auto Parts store was on fire during the recording. The person who filmed FELAN at Napa reported seeing FELAN exit Napa twice. The second time FELAN exited the store was sometime between 5:50 p.m. and 6:10 p.m. The witness observed FELAN then head east in the direction of the Goodwill.

14. I checked www.napaonline.com, and observed that Napa Auto Parts sells thirty-two-ounce containers of “Power Service Diesel Fuel Supplement” and that multiple stores close to the 1271 University Avenue West location had that product in stock. I was not able to check the stock at the 1271 University Avenue West location because the store is no longer listed on the company’s website after the fire.

15. As pictured below, surveillance footage of FELAN at the Goodwill reveals several canisters of what appears to be “Power Service Diesel Fuel Supplement” in FELAN’s bag and at the scene of the Goodwill fire.

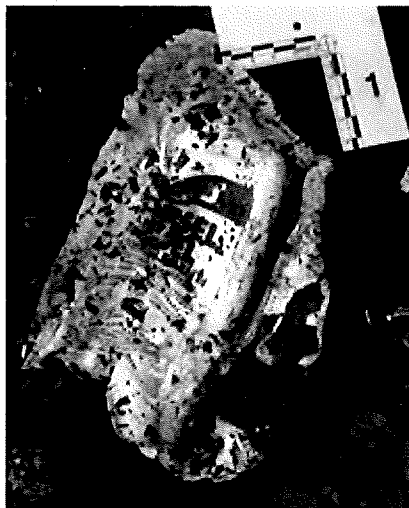
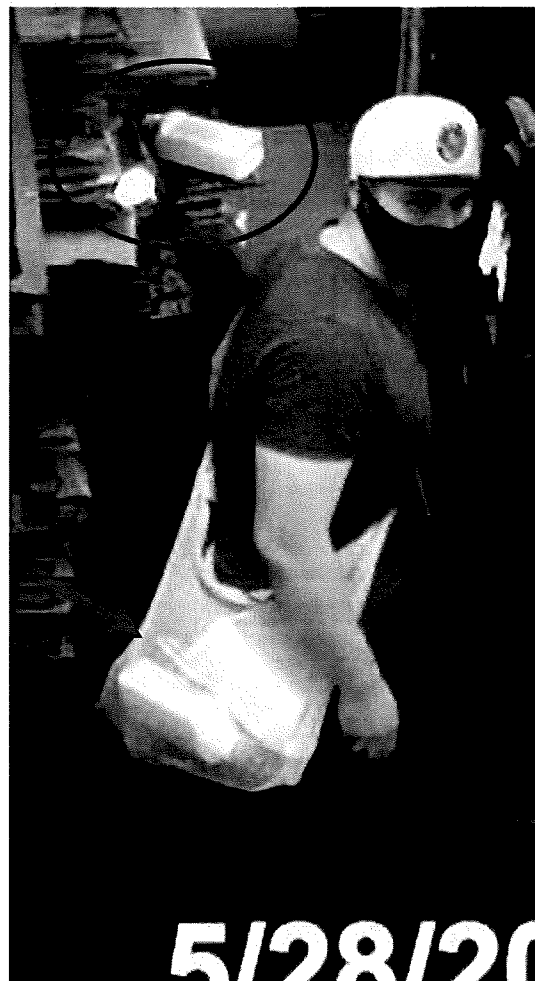


Figure 5 (above): Photograph of “Power Service Diesel Fuel Supplement” from Napa Auto Parts website.

Figure 6 (above): Photograph of debris found in the Goodwill fire.

Figure 7 (right): Photograph showing the bottle left behind on the cardboard boxes and contents of the bag carried by FELAN as he walks away from the Goodwill fire.



16. The Goodwill is a business that is used in and affects interstate and foreign commerce. According to its website, Goodwill Industries International is comprised of “a network of 157 community-based, autonomous organizations in the United States and Canada with a presence in 12 other countries.” Goodwill-Easter Seals Minnesota serves both Minnesota and western Wisconsin. Goodwill-Easter Seals Minnesota provides social services, which are funded in part by revenue from 50 retail stores throughout Minnesota and western Wisconsin. I spoke with the Regional Manager of Goodwill, who stated that Goodwill receives local, state, and

federal funding for their programs and services branch. The Regional Manager further stated that all proceeds generated from the retail stores are applied directly to the programs and services branch. One of those retail stores is the Goodwill located at 1239 University Avenue West. I spoke with the University Avenue West store General Manager, who stated that their store participates in online auctions of Goodwill merchandise. They stated that their merchandise is sent to a warehouse in the state of Minnesota, where items are photographed and placed on the internet for auction, where they can be sold across state lines. The General Manager further stated that Goodwill-Easter Seals Minnesota frequently receives large donations of items from big companies that are often out-of-state. The General Manager further stated that the Goodwill store sells goods and merchandise, accepting cash, credit, and debit cards, and stated that their Goodwill location uses Bremer Bank for these transactions.

17. In addition to setting the fire at the Goodwill, video evidence collected by law enforcement shows that there is probable cause to believe that FELAN was involved in other arsons near the Goodwill on May 28, 2020. Gordon Parks High School at 1212 University Ave West, St. Paul, Minnesota, was damaged by fire that evening. The high school is on the southeast corner of the same intersection as the Goodwill. Surveillance video from Gordon Parks High School confirms that FELAN was involved in attempting to set the fire at the school. As FELAN left the high school, he was captured on video saying, "Alright, onto the next one." Law

enforcement also recovered video showing FELAN enter the Speedway gas station at 970 University Ave West, St Paul, Minnesota, before it was also set on fire.

18. On June 5, 2020, ATF issued a press release showing surveillance photographs from the Goodwill that featured the arsonist, as well as other images of the same individual. ATF asked for assistance from the public in identifying the individual. On June 7, 2020, ATF followed up with additional photographs that showed the same individual after he had removed his face mask. In this press release, ATF offered a \$5,000 reward for information regarding the Goodwill arsonist.



Figure 8: Photograph of Goodwill arsonist without a face mask

19. On June 8, 2020, ATF received several tips, including from individuals who wish to remain anonymous, that the arsonist was an individual named JOSE A. FELAN, JR., a resident of Rochester, Minnesota. Three other tips identified other individuals. Photographs of FELAN show that he has a similar build and facial features as the surveillance photos of the Goodwill arsonist.



Figure 9 (above left) and Figure 10 (above right): Past booking photos of FELAN.

20. Moreover, FELAN has a tattoo on his right forearm that depicts the name “Mena” with a crown. A tattoo consistent with that description can be seen in footage of the Goodwill arsonist that was taken from a police body camera. Local law enforcement in Rochester are familiar with FELAN and have confirmed that his girlfriend’s name is Mena.

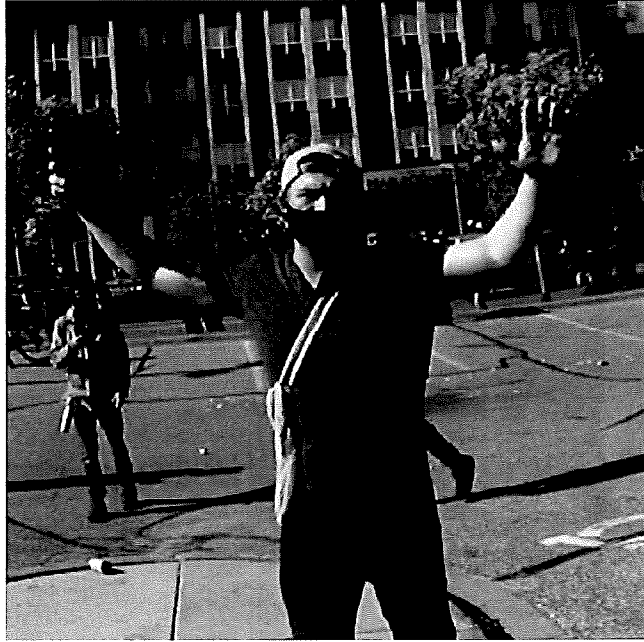


Figure 11 (left): Body camera footage of Goodwill arsonist with tattoo visible on the inside of his right forearm.

Figure 12 (above): Photograph of FELAN's tattoo.

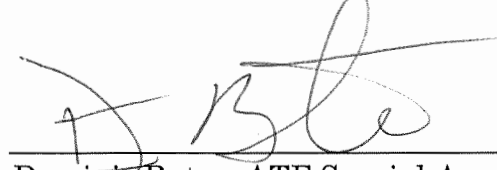
21. On the evening of June 8, 2020, I traveled to Rochester and spoke with local law enforcement. I learned that FELAN had an interaction with the Rochester Police Department in March 2020. I watched body camera footage of that interaction and, comparing it to the footage I viewed from May 28, 2020, there is probable cause to believe FELAN is the individual observed on camera setting fire to the Goodwill. FELAN is physically similar in appearance to the person from the surveillance videos, bears the same tattoo, and has a distinctive mole on his left arm.

CONCLUSION

22. Based on these facts, I believe there is probable cause that FELAN has violated Title 18, United States Code, Section 844(i), in that he maliciously damaged by means of fire the Goodwill retail store, a building used in interstate commerce, located at 1239 University Avenue West, St. Paul, Minnesota.

Further your affiant sayeth not.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Bates", written over a horizontal line.

Dominic Bates, ATF Special Agent

SUBSCRIBED and SWORN before me
by reliable electronic means (FaceTime and
email) pursuant to Fed. R. Crim. P. 41(d)(3) on
June 8, 2020:

A handwritten signature in blue ink, appearing to read "Hildy Bowbeer", written over a horizontal line.

The Honorable Hildy Bowbeer
United States Magistrate Judge